

(a) for the 90-day period immediately following the 90-day period described by Subsection (b) if the requesting law enforcement agency in writing requests an extension of the preservation period.

SECTION 6. The change in law made by this Act to Chapter 24A, Code of Criminal Procedure, applies only to a subpoena, search warrant, or other court order issued on or after the effective date of this Act. A subpoena, search warrant, or other court order issued before the effective date of this Act is governed by the law in effect on the date the warrant was issued, and the former law is continued in effect for that purpose.

SECTION 7. This Act takes effect September 1, 2017.

Passed the Senate on April 19, 2017: Yeas 31, Nays 0; passed the House on May 9, 2017: Yeas 145, Nays 0, two present not voting.

Approved May 22, 2017.

Effective September 1, 2017.

**SOLID WASTE SERVICES AND SOLID WASTE MANAGEMENT
PROGRAMS IN THE EXTRATERRITORIAL JURISDICTION OF
MUNICIPALITIES IN CERTAIN COUNTIES; AUTHORIZING
PENALTIES**

CHAPTER 70

S.B. No. 1229

AN ACT

relating to solid waste services and solid waste management programs in the extraterritorial jurisdiction of municipalities in certain counties; authorizing penalties.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 364.011, Health and Safety Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Notwithstanding Subsection (a), a commissioners court may, through a competitive bidding process, contract for the provision of solid waste collection, handling, storage, and disposal in an area of the county located within the extraterritorial jurisdiction of a municipality if:

(1) the municipality does not provide solid waste disposal services in that area; and

(2) the county has a population of more than 1.5 million and at least 75 percent of the population resides in a single municipality.

SECTION 2. Section 364.034, Health and Safety Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a) A public agency or a county may:

(1) offer solid waste disposal service to persons in its territory, including, in the case of a county described by Section 364.011(a-1)(2), an area of the county located within the extraterritorial jurisdiction of a municipality if the municipality does not provide solid waste disposal services in that area;

(2) require the use of the service by those persons, except as provided by Subsection (a-1);

(3) charge fees for the service; and

(4) establish the service as a utility separate from other utilities in its territory.

(a-1) Notwithstanding Subsection (a)(2), a person is not required to use solid waste disposal services offered by a county to persons in an area of the county located within the

extraterritorial jurisdiction of a municipality that does not provide solid waste disposal services in that area if:

(1) the person contracts for solid waste disposal services with a provider that meets rules adopted by the commission for the regulation of solid waste disposal; or

(2) the person is a private entity that contracts to provide temporary solid waste disposal services to a construction site or project by furnishing a roll-off container used to transport construction waste or demolition debris to a facility for disposal or recycling.

(a-2) Subsection (a-1) does not affect the authority of a governmental entity to pursue actions under Subchapter B, Chapter 365, to address illegal dumping.

SECTION 3. Subchapter C, Chapter 364, Health and Safety Code, is amended by adding Section 364.0345 to read as follows:

Sec. 364.0345. PENALTIES FOR FAILURE TO USE REQUIRED SERVICE IN CERTAIN AREAS. *The commissioners court of a county described by Section 364.011(a-1)(2) that requires the use of a county solid waste disposal service under Section 364.034 in the extraterritorial jurisdiction of a municipality may adopt orders to enforce the requirement, including an order establishing a civil or administrative penalty in an amount reasonable and necessary to ensure compliance with the requirement.*

SECTION 4. Subchapter C, Chapter 791, Government Code, is amended by adding Section 791.037 to read as follows:

Sec. 791.037. SOLID WASTE DISPOSAL SERVICES IN CERTAIN COUNTIES. *(a) In this section, "solid waste" has the meaning assigned by Section 361.003, Health and Safety Code.*

(b) This section applies only to a county with a population of more than 1.5 million in which more than 75 percent of the population resides in a single municipality.

(c) A county may contract with a municipality to provide, directly or through a contract with another entity, a mandatory program under Section 364.034, Health and Safety Code, for solid waste disposal services in an area of the county located within the extraterritorial jurisdiction of the municipality if the municipality does not provide solid waste disposal services in that area.

(d) A contract under this section must include provisions regarding the termination of the county's provision of service on the occurrence of certain contingencies, including the annexation of the area covered by the contract by the municipality or the provision of service to the area by the municipality.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Passed the Senate on April 26, 2017: Yeas 30, Nays 1; passed the House on May 9, 2017: Yeas 144, Nays 1, two present not voting.

Approved May 22, 2017.

Effective May 22, 2017.

REGULATION OF CEMETERIES AND THE ADMINISTRATION OF PERPETUAL CARE TRUST FUNDS

CHAPTER 71

S.B. No. 1402

AN ACT

relating to the regulation of cemeteries and the administration of perpetual care trust funds.